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Amendments to House Bill No. 676
3rd Reading Copy

Exhibit No. 26

Date 4-7-09

Requested by Senator Dave Lewis

Bill No. HB 676

For the Senate Finance and Claims Committee

Prepared by Greg Petesch
April 7, 2009 (8:09am)

1. Title, line 20.

Following: "GRANTS;"

Insert: "REVISING THE ALLOCATION OF PREMIUM TAXES; REVISING THE
ELIGIBILITY FOR THE CHILDREN'S HEALTH INSURANCE PROGRAM;"

2. Title, line 22.

Following: "17-7-111,"

Insert: "33-2-708,"

Following: "53-4-212,"

Insert: "53-4-1004, 53-4-1115,"

3. Page 15.

Following: line 6

Insert: "Section 11. Section 33-2-708, MCA, is amended to read:

"33-2-708. Fees and licenses. (1) (a) Except as provided in
33-17-212(2), the commissioner shall collect a fee of \$1,900 from
each insurer applying for or annually renewing a certificate of
authority to conduct the business of insurance in Montana.

(b) The commissioner shall collect certain additional fees
as follows:

(i) nonresident insurance producer's license:

(A) application for original license, including issuance of
license, if issued, \$100;

(B) biennial renewal of license, \$50;

(C) lapsed license reinstatement fee, \$100;

(ii) resident insurance producer's license lapsed license
reinstatement fee, \$100;

(iii) surplus lines insurance producer's license:

(A) application for original license and for issuance of
license, if issued, \$50;

(B) biennial renewal of license, \$100;

(C) lapsed license reinstatement fee, \$200;

(iv) insurance adjuster's license:

(A) application for original license, including issuance of
license, if issued, \$50;

(B) biennial renewal of license, \$100;

(C) lapsed license reinstatement fee, \$200;

(v) insurance consultant's license:

(A) application for original license, including issuance of

license, if issued, \$50;

(B) biennial renewal of license, \$100;

(C) lapsed license reinstatement fee, \$200;

(vi) viatical settlement broker's license:

(A) application for original license, including issuance of license, if issued, \$50;

(B) biennial renewal of license, \$100;

(C) lapsed license reinstatement fee, \$200;

(vii) resident and nonresident rental car entity producer's license:

(A) application for original license, including issuance of license, if issued, \$100;

(B) quarterly filing fee, \$25;

(viii) an original notification fee for a life insurance producer acting as a viatical settlement broker, in accordance with 33-20-1303(2)(b), \$50;

(ix) 50 cents for each page for copies of documents on file in the commissioner's office.

(c) The commissioner may adopt rules to determine the date by which a nonresident insurance producer, a surplus lines insurance producer, an insurance adjuster, or an insurance consultant is required to pay the fee for the biennial renewal of a license.

(2) (a) The commissioner shall charge a fee of \$75 for each course or program submitted for review as required by 33-17-1204 and 33-17-1205, but may not charge more than \$1,500 to a sponsoring organization submitting courses or programs for review in any biennium.

(b) Insurers and associations composed of members of the insurance industry are exempt from the charge in subsection (2)(a).

(3) (a) ~~Except as provided in subsection (3)(b), the~~ The commissioner shall promptly deposit with the state treasurer to the credit of the general fund all fines and penalties and those amounts received pursuant to 33-2-311, 33-2-705, 33-28-201, and 50-3-109.

~~(b) The commissioner shall deposit 33% of the money collected under 33-2-705 in the special revenue account provided for in 53-4-1115.~~

~~(c)~~ (b) All other fees collected by the commissioner pursuant to Title 33 and the rules adopted under Title 33 must be deposited in the state special revenue fund to the credit of the state auditor's office.

(4) All fees are considered fully earned when received. In the event of overpayment, only those amounts in excess of \$10 will be refunded."

{ Internal References to 33-2-708:

33-2-115 x	33-2-117 x	33-2-117x	33-2-305x
33-2-1217x	33-4-101x	33-17-211x	33-17-211x
33-17-211x	33-17-219x	33-17-301x	33-17-301x
33-17-401x	33-17-503x	33-17-1002x	33-17-1204x

33-20-1303x 33-20-1303x 33-20-1303x 33-20-1315x
33-30-311x 50-3-109x 53-4-1115x}"

Renumber: subsequent sections

4. Page 18.

Following: line 18

Insert: "Section 14. Section 53-4-1004, MCA, is amended to read:

"53-4-1004. (Temporary) Eligibility for program -- rulemaking. (1) To be considered eligible for the program, a child:

- (a) must be 18 years of age or younger;
- (b) must have a combined family income at or below ~~250%~~ 200% of the federal poverty level or at a lower level determined by the department of public health and human services as provided in subsection (4);
- (c) may not already be covered by private insurance that offers creditable coverage, as defined in 42 U.S.C. 300gg(c), for 3 months prior to enrollment in the program or since birth, whichever period is less;
- (d) may not be eligible for medicaid benefits; and
- (e) must be a United States citizen or qualified alien and a Montana resident.

(2) The department of public health and human services shall adopt rules that establish the program's criteria for residency. The criteria must conform as nearly as practicable with the residency requirements for medicaid eligibility.

(3) Subject to 53-4-1009(3), rules governing eligibility may also include financial standards and criteria for income and resources, treatment of resources, and nonfinancial criteria.

(4) If the department determines that there is insufficient funding for the program, it may lower the percentage of the federal poverty level established in subsection (1)(b) in order to reduce the number of persons who may be eligible to participate or may limit the amount, scope, or duration of specific services provided. (Terminates on occurrence of contingency--sec. 15, Ch. 571, L. 1999; sec. 14, I.M. No. 155, approved November 4, 2008.)"

{ Internal References to 53-4-1004:

53-2-215X 53-4-1002*X 53-4-1009X 53-4-1012X
53-4-1115X 53-4-1115X}"

Insert: "Section 15. Section 53-4-1115, MCA, is amended to read:

"53-4-1115. Special revenue account. (1) There is an account in the state special revenue fund to the credit of the department for the purposes provided in subsection (2). ~~There must be paid into the account the amounts collected under 33-2-708(3)(b).~~ Any interest or income derived from the account must be deposited in the account.

(2) Money in the account:

(a) is to be used solely to cover the number of additional enrollees in the plan that exceeds the number of enrollees as of November 4, 2008, within the limits provided in 53-4-1004,

53-6-131, and this part, and to cover the costs of enrollment, including premium assistance, under 53-4-1108(1), and to pay administrative costs associated with expanded eligibility, and to establish and maintain a reserve; and

(b) may be used only to match federal funds available under the children's health insurance program and the Montana medicaid program.

(3) The unexpended balance of an appropriation from the account must remain in the account and may be used only for the purposes stated in subsection (2).

(4) The special revenue account does not affect and is not exclusive of any other sources of funding for the programs described in 53-4-1104(2), including the special revenue account provided for in 53-4-1012.

(5) If the department determines that there is insufficient funding for the purposes of subsection (2), it may reduce eligibility requirements for participants in the children's health insurance program as provided in 53-4-1004(4)."

{ Internal References to 53-4-1115:

33-2-708x}"

Renumber: subsequent sections

5. Page 22, line 15.

Strike: "16"

Insert: "19"

6. Page 22, line 16.

Strike: "16"

Insert: "19"

- END -